UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,314	01/16/2002	Jean-Yves Vion-Dury	111171	2810

25944   7590   06/07/2007
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EXAMINER
WALSH, JOHN B

ART UNIT	PAPER NUMBER
2151	

MAIL DATE	DELIVERY MODE
06/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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<tr><td>10/046,314</td><td>VION-DURY ET AL.</td></tr>
<tr><td></td><td></td><td>Examiner</td><td>Art Unit</td></tr>
<tr><td></td><td></td><td>John B. Walsh</td><td>2151</td></tr>
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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amdt of 3/19/07*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *3/19/07*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   As best understood, claims 1 and 3-15 are rejected under 35 U.S.C. 102(e) as being

anticipated by U.S. Patent No. 6,487,566 to Sundaresan.

As concerns claim 1, evaluating a first code structure representing the expression to

determine a value of said expression prior to filtering (figure 3; 308; column 6, lines 30-40; 308

is prior to steps 310,312); analyzing a second code structure representing the filter to determine

the characteristics of the filter (figure 3; 310,312; column 6, lines 30-40); and filtering said

evaluated value according to the filter characteristics (figure 3; 314,316,318; column 6, lines 38-

42); wherein said first code structure is constructed from a plurality of first programming

language code structure elements and said second code structure is constructed from a plurality

of second programming language code structure elements (column 6, line 38-41; XML; column

12, lines 42-45); each second structure element being symmetrically constructed to correspond to

one of said first structure elements (figure 3, 312-match-yes); and wherein evaluating, analyzing

and filtering are performed upon explicit invocation of a matching operator (figure 3, 312;

column 6, line 38), and filtering comprises returning a Boolean evaluation result value (figure 3,

312; column 6, line 40).

As concerns claim 3, the second code structure includes at least one composition operator acting as a logical connector (column 9, line 28 and 41; column 7, lines 54-55) for logically combining two of said programming language code structure elements, or for inverting the Boolean value of at least one of said second programming language code structure elements.

As concerns claim 4, the first code structure includes a first concatenation operator (column 11, lines 42-44, 58-62) for concatenating two expressions, and the second code structure includes a second concatenation operator (column 11, lines 42-44, 58-62) for concatenating two filter elements, the first and the second concatenation operators being applied with the first code structure and the second code structure, respectively, in essentially the same manner.

As concerns claim 5, wherein the first and second code structures include indicator elements indicating a data type (column 9, lines 22-23, attributes), the indicator elements acting as structure constructors in the first code structure and as filter constructors in the second code structure, each of the structure constructors corresponding to a respective one of the filter constructors.

As concerns claim 6, wherein the second code structure includes a test operator having an operand and wherein filtering comprises testing the occurrence of the value of said operand in the expression (figure 3, 312).

As concerns claim 7, wherein the second code structure includes an existence operator that matching any element that exists (figure 3; 312).

As concerns claim 8, wherein the second code structure includes an assignment operator having an assignment operator having an operand, to assign a part of the expression to a variable (column 7, line 11) that is identified by said operand.

As concerns claim 9, the second code structure includes a Kleene operator (column 7, lines 54-55- "*" and "+", interpreted based on applicant's specification page 13, line 9).

As concerns claim 10, the second code structure includes a do operator having two arguments, one argument being a filter and the other argument being an instruction or a sequence of instructions, wherein filtering includes executing the instructions only if the filter is successful (column 11, lines 17-32; column 12, lines 42-45-other languages use the "do" operator).

As concerns claim 11, the filter is a recursive filter enabling filtering of trees (figure 3; 310, 320).

As concerns claim 12, the filter is a normalized filter (column 6, line 40; normalized to true or false).

As concerns claim 13, filtering includes modifying the environment of the computer system (figure 3, 322, 316,318), the environment including variables and corresponding values used by the computer system when filtering said value of said expression.

As concerns claim14, the first code structure and the second code structure are part of an interpreter programming language code (column 12, lines 42-45).

As concerns claim 15, the first code structure and the second code structure are part of a compiler programming language (column 12, lines 42-45).

Response to Arguments

3.   Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

The applicant argues Sundaresan does not evaluate an expression to obtain a value prior to the filtering. The examiner disagrees since Sundaresan discloses such a limitation at least at figure 3, wherein step 308 takes place prior to steps 310 and 312.

The applicant argues Sundaresan does not teach or suggest that first and second code structures are symmetrically constructed. The claims are given their broadest reasonable interpretation and the claims do not further define the limitation "symmetrically". Sundaresan at least at Column 6, line 38-41; XML; Column 12, lines 42-45 and figure 3, 312-match-yes, discloses this limitation.

The applicant argues Sundaresan does not use an explicit invocation of a matching operator. The examiner disagrees since Sundaresan at least at Column 6, line 40, discloses using a truth value.
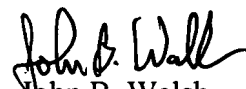
Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The

examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300. Information

regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a USPTO Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John B. Walsh
Primary Examiner
Art Unit 2151